

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DERRICK LEE SMITH,

Plaintiff,

Case Number: 2:14-CV-14871
HON. VICTORIA A. ROBERTS

v.

OFFICER WEERS,

Defendants.

ORDER OF TRANSFER

Michigan state prisoner Derrick Lee Smith has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. *See* 28 U.S.C. § 1331(b). Public officials “reside” in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Additionally, a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice. *See* 28 U.S.C. § 1404(a).

The conduct that forms the basis for the complaint occurred in Coldwater, Michigan. The defendant is also located in Coldwater. Coldwater is located in Branch

County, which is in the Western District of Michigan, Southern Division. *See* 28 U.S.C. § 102(b).

The United States District Court for the Western District of Michigan is the proper venue and more convenient forum for this action. Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. *See* 28 U.S.C. §§ 1391(b) and 1404(a).

S/Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

DATED: 1/14/2015